

1 APPEARANCES (continued):

2 MR. DENNIS K. MUNCY
3 306 West Church Street
4 Champaign, Illinois
5 appearing for Illinois Independent
6 Telephone Association, et al;

7 MR. TROY FODOR
8 913 South Sixth Street
9 Springfield, Illinois 62703
10 appearing for Gridley Telephone,
11 Home Telephone, Marseilles Telephone,
12 Metamora Telephone, and Tonica
13 Telephone;

14 MR. GARY LLOYD SMITH
15 1204 South 4th Street
16 Springfield, Illinois
17 appearing for Montrose Mutual
18 Telephone Company, Glasford
19 Telephone Company, Oneida
20 Telephone Exchange, New
21 Windsor Telephone Company,
22 Viola Hone Telephone Company,
Woodhull Community Telephone
Company, and Crossville
Telephone Company;

SONNENSCHN, NATH & ROSENTHAL, by
MS. SARAH NAUMER
8000 Sears Tower
Chicago, Illinois 60606
appearing for Verizon North, Inc., and
Verizon South, Inc.;

MR. DOUGLAS DOUGHERTY (via telephone)
300 East Monroe Street,
Suite 306
Springfield, Illinois 62701
appearing for Telecommunications
Association;

1 APPEARANCES (continued):

2 MR. KEVIN SEVILLE (via telephone)
2378 Hillshire Boulevard
3 Mound, Minnesota 55364
appearing for Citizens
4 Telecommunications of Illinois;

5 MR. SEAN BRADY and
MR. TOM STANTON
6 160 North LaSalle Street
Suite C-800
7 Chicago, Illinois 60601
appearing for Staff of the
8 Illinois Commerce Commission;

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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 03-0312. This is a petition by NPCR, Incorporated,
4 d/b/a Nextel Partners, for designation as an eligible
5 telecommunications carrier in the State of Illinois.

6 And before we do anything further, I need
7 to get appearances. Would the petitioner's counsel
8 please enter a verbal appearance for the record.

9 MR. GIORDANO: Patrick Giordano; Giordano & Neilan,
10 333 North Michigan Avenue, Suite 2800, Chicago,
11 Illinois, 60603, on behalf of the petitioner.

12 JUDGE RILEY: Thank you.

13 MR. PLACHE: Matthew Plache and Albert Catalano of
14 Catalano (phonetic) & Plache, 63221 M Street,
15 Washington, D.C., 20007, on behalf of petitioner as
16 well.

17 JUDGE RILEY: Thank you.

18 And for staff.

19 MR. BRADY: Appearing on behalf of staff of the
20 Illinois Commerce Commission, Sean R. Brady and Thomas
21 Stanton, 160 North LaSalle Street, Suite C-800,
22 Chicago, Illinois, 60601.

1 JUDGE RILEY: Okay. And, Mr. Muncy.

2 MR. MUNCY: Yes. I have a list of companies.

3 Dennis K. Muncy, 306 West Church Street,
4 Champaign, Illinois, 61820, appearing for the Illinois
5 Independent Telephone Association and also appearing
6 for Cass Telephone Company, Flatrock Telephone Co-Op,
7 Inc., LaHarpe Telephone Company, McDonough Telephone
8 Co-Operative, McNabb Telephone Company, Mid Century
9 Telephone Co-Operative, Moultrie Independent Telephone
10 Company, Reynolds Telephone Company, Cambridge
11 Telephone Company, Geneseo Telephone Company, Henry
12 County Telephone Company, C-R Telephone Company, El
13 Paso Telephone Company, Odin Telephone Exchange, Inc.,
14 Yates City Telephone Company, Frontier Communications
15 of Illinois, Inc., Frontier Communications-Midland,
16 Inc., Frontier Communications of Lakeside, Inc.,
17 Frontier Communications of Mt. Pulaski, Inc., Frontier
18 Communications of Orion, Inc., Frontier
19 Communications-Schuyler, Inc., Frontier Communications
20 of DePue, Inc.

21 Your Honor, the petitions for leave to
22 intervene have been filed on behalf of all of those

1 parties I appear for.

2 JUDGE RILEY: Okay. I lost track. Did you state
3 your office address?

4 MR. MUNCY: Yes, I believe I did.

5 JUDGE RILEY: Thanks.

6 Mr. Smith, you are next in line.

7 MR. SMITH: My name is Gary Lloyd Smith. My
8 business address is 1204 South 4th Street,
9 Springfield, Illinois. I am an attorney licensed to
10 practice in Illinois and I'm appearing on behalf of
11 seven intervenors, Montrose Mutual Telephone Company,
12 Glasford Telephone Company, Oneida Telephone Exchange,
13 New Windsor Telephone Company, Viola Home Telephone
14 Company, Woodhull Community Telephone Company, and
15 Crossville Telephone Company.

16 JUDGE RILEY: Mr. Fodor.

17 MR. FODOR: Yes. Troy Fodor. My business address
18 is 913 South Sixth Street, Springfield, Illinois,
19 62703; business telephone -- are we doing that?
20 Nobody else did.

21 JUDGE RILEY: You go ahead.

22 MR. FODOR: 217-753-3925. I'm an attorney licensed

1 in the State of Illinois and I'm appearing on behalf
2 of five intervenors, Gridley Telephone Company, Home
3 Telephone Company, Marseilles Telephone Company,
4 Metamora Telephone Company, and Tonica Telephone
5 Company.

6 JUDGE RILEY: Thank you.

7 And for Verizon. Sorry.

8 MS. NAUMER: Appearing on behalf of Verizon North,
9 Inc., and Verizon South, Inc., Sarah Naumer and John
10 Rooney of the law firm Sonnenschein, Nath & Rosenthal,
11 8000 Sears Tower, Chicago, Illinois, 60606.

12 JUDGE RILEY: Thank you.

13 And, Mr. Dougherty.

14 MR. DOUGHERTY: Yes. Thank you, your Honor.
15 Appearing on behalf of The Illinois Telecommunications
16 Association, Douglas A. Dougherty, D-o-u-g-h-e-r-t-y,
17 300 East Monroe Street, Suite 306, Springfield,
18 Illinois, 62701; 217-525-0044.

19 JUDGE RILEY: Thank you.

20 And, Mr. Seville.

21 MR. SEVILLE: Appearing on behalf of Citizens
22 Telecommunications Company of Illinois, Kevin Seville,

1 2378 Hillshire Boulevard, Mound, Minnesota, 55364.

2 JUDGE RILEY: Thank you.

3 And is there anyone else on the line who
4 needs to enter an appearance who has not done so?

5 (No response.)

6 All right. Gentlemen, the first --
7 Ladies and Gentlemen, the first order of business is
8 the petitions to intervene. There are, by my count,
9 35 -- 38 entities who wish to intervene in this
10 matter.

11 Mr. Muncy, you have 23 of them I think.

12 MR. MUNCY: I didn't count, but that sounds about
13 right.

14 MR. SMITH: That was what my count was.

15 JUDGE RILEY: Does the petitioner have any
16 objection to any or all of the petitions to intervene?

17 MR. GIORDANO: Well, we are still in the process of
18 reviewing them. I mean, we were just retained
19 yesterday evening, so we hadn't made a final
20 determination on what position we are going to take
21 with respect to the petitions to intervene since
22 there's too many of them. We haven't had a chance to

1 review them all at this point.

2 JUDGE RILEY: Do you have any idea when that review
3 might be completed?

4 MR. GIORDANO: Yes. We can certainly do it by
5 early next week.

6 JUDGE RILEY: All right. It's my understanding
7 that most of the intervenors are going to be active.
8 Mr. Dougherty said that, it was my understanding, he
9 wouldn't be.

10 MR. Dougherty: That is correct, your Honor.

11 JUDGE RILEY: But everyone else is going to be an
12 active participant in the proceeding assuming that
13 they are admitted?

14 MR. SMITH: I think everyone has declared that.

15 MR. MUNCY: Yes, everybody's indicated that.
16 That's certainly our belief, your Honor, that
17 petitioner in regard to its request has to establish
18 this on a company-by-company, study-area-by-study-area
19 basis and so the factual circumstances and the burden
20 of proof are going to be company-specific.

21 JUDGE RILEY: What is staff's position with regard
22 to the petitions to intervene? Does it have a

1 petition -- or does it have a position?

2 MR. BRADY: We have no objection to the petitions.

3 JUDGE RILEY: Let's go off the record for a minute.

4 (Off the record.)

5 Let's go back.

6 Counsel.

7 MR. GIORDANO: Yes. In order to expedite this
8 proceeding, my client has made a decision not to
9 object to any of the petitions to intervene, so we
10 would like to have a schedule to respond to the
11 various motions set today and get this case moving as
12 quickly as possible.

13 We think it's in the public interest.
14 It's a pro-competitive petition and it needs to be
15 moved as quickly as possible to facilitate
16 telecommunications service throughout the state, and
17 we are hoping, as a result of the courtesy that we are
18 showing to the intervenors in this case, that
19 Mr. Smith would withdraw his motion to dismiss as we
20 will adopt the -- our petition, Giordano & Neilan, has
21 now intervened -- has now filed an appearance on
22 behalf of the client, and is adopting this petition as

1 previously been filed by Catalino and Plache.

2 JUDGE RILEY: One thing, is there any further
3 response from the intervenors -- from the petitioners
4 to intervene with regard to petitioners?

5 (No response.)

6 No objection?

7 MR. SMITH: I would just submit Mr. Giordano made
8 certain comments that with regard to the nature of the
9 petition and the merits, which I just simply want to
10 say I don't necessarily agree with, but without
11 arguing it, I appreciate the invitation, but I think
12 the motion's still standing and I think needs to be
13 addressed.

14 I think the petition as filed is a
15 nullity and needs to be redone. Now he can obviously
16 re-file it and re-docket it, but we'd probably be
17 better off going through the normal order of business
18 here, so I guess the next thing is for you to grant
19 the petition and then we can set a schedule.

20 MR. GIORDANO: But that's just form over substance.
21 I mean, there's really no need to go through the
22 exercise of us re-filing it, which everybody knows we

1 could do and you have no objection. I mean -- and the
2 Commission would have to jump through all the hoops of
3 re-docketing the proceedings and all the various steps
4 that really are unnecessary.

5 MR. SMITH: Depending upon the ruling on the motion
6 for severance, that may take care of that. You may
7 want to re-file the petition by service area anyway.

8 MR. GIORDANO: We are not planning to, but I think
9 they're separate issues. I mean, your motion to
10 dismiss is based on representation of an argument and
11 solely the argument that this was filed -- this
12 petition was filed by counsel. It's not licensed in
13 the state and we have realm did that to the extent
14 that that was a valid argument and we're not saying
15 that it was, but, to the extent that it was, we have
16 remedied that situation and it just seems there would
17 be no reason to pursue this motion to dismiss any
18 longer.

19 JUDGE RILEY: All right. First of all, let me deal
20 with these petitions to intervene. Now that there's
21 been -- there is no objection either from the
22 petitioner or from staff with regard to them, that

1 obviates the schedule that we set for responses and,
2 on that basis, I would admit all of the petitions to
3 intervene in this matter.

4 MR. MUNCY: So your ruling is you are granting all
5 the petitions?

6 JUDGE RILEY: All the petitions to intervene are
7 granted. As a result, we have 38 additional parties.

8 And the next order of business are these
9 motions that were filed by Mr. Smith.

10 MR. SMITH: You are adopting the petition as filed?
11 Is that what you are saying?

12 MR. GIORDANO: Yes, sir.

13 JUDGE RILEY: Do the parties want to file or see
14 the necessity to file written responses to these
15 motions?

16 MS. NAUMER: Verizon does, your Honor.

17 MR. GIORDANO: We do as well.

18 JUDGE RILEY: All right. Then let's take them one
19 at a time. Mr. Smith, is it my understanding that you
20 are going to maintain the motion to dismiss? You are
21 not going to withdraw that?

22 MR. SMITH: Well, the motion to dismiss is based on

1 a void act, but the petitioners now come in with
2 licensed counsel in the State of Illinois. He's
3 essentially said that he's adopting the petition as
4 his own, and I do agree that if he -- even if it were
5 dismissed, he'd potentially re-file the same thing and
6 that that wouldn't really accomplish anything.

7 So since he adopted it somewhat of an --
8 amended it on his own volition, I do think that that
9 moots the motion and, therefore, there's no sense in
10 proceeding further with that motion to dismiss.

11 JUDGE RILEY: All right.

12 MR. GIORDANO: Thank you, counsel.

13 MR. MUNCY: Your Honor, could I advise you of one
14 more motion that might be filed so we get everything
15 out on the table?

16 JUDGE RILEY: Go ahead.

17 MR. MUNCY: I believe that either Mr. Fodor or I
18 are going to be filing a motion to dismiss. It's our
19 understanding, based upon the research that we have
20 done, that the applicant, MPCR, Inc, d/b/a Nextel,
21 Partners, does not hold a certificate of service
22 authority from the Illinois Commission as an

1 authorized telecommunications carrier.

2 We would intend to file a motion to
3 dismiss indicating that the Commission could not be
4 granting eligible telecommunications carrier status to
5 an entity that is not certificated by this Commission
6 as an authorized telecommunications carrier within the
7 state.

8 I can probably get that motion on file by
9 Monday of -- by next Monday. I don't know that I
10 could get it on file tomorrow because of other
11 commitments that I have.

12 MR. SMITH: You are talking then the 16th?

13 MR. MUNCY: Whatever Monday is. I haven't got a
14 calendar in front of me.

15 JUDGE RILEY: 16th, yes.

16 Counsel, do you have any idea how much
17 time you think you will need to respond or would you
18 have to wait and see the motion?

19 MR. GIORDANO: I think we have to wait and see the
20 motion. I assume that in the meantime we may be able
21 to convince Mr. Muncy that this is really a good thing
22 for the state and that his association should not be

1 opposing the petition -- we'll make that attempt --
2 and certainly shouldn't be filing a motion to dismiss.

3 That being said, I think we'll have to
4 wait and see it, but we certainly want to respond as
5 quickly as possible to any motions that are filed.

6 MS. NAUMER: Your Honor, may I, once again, suggest
7 that we go by the 14, 7 day set by the Commission
8 rule.

9 MR. SMITH: I agree.

10 MR. GIORDANO: Well, I think that that may be
11 necessary, subject to what our Washington counsel
12 thinks for a complicated motion like a motion to
13 dismiss, but for these change of locations and -- the
14 change of locations and what's the other motion?

15 MR. SMITH: Severance.

16 MR. GIORDANO: The motion for severance.

17 Well, let me -- are you suggesting 14
18 days from today or --

19 MS. NAUMER: From the time of filing.

20 MR. GIORDANO: And they were filed when?

21 MR. SMITH: This week I guess.

22 JUDGE RILEY: The 10th and 11th.

1 MR. GIORDANO: Washington counsel, do you have any
2 problem with that schedule?

3 MR. PLACHE: We can live with that. We don't want
4 to delay this proceeding.

5 MR. GIORDANO: But these motions were filed when?

6 JUDGE RILEY I have them written down here. The
7 motion for a change of location of hearing was filed
8 on June 10th and the motion for severance was also
9 June 10th. I'm sorry.

10 MR. PLACHE: Fourteen days from June 10th would
11 be --

12 JUDGE RILEY 24th.

13 MR. PLACHE: 24th would be fine. I'm concerned
14 that there's another motion coming though that --
15 would it be 14 days from today to respond to the other
16 motions.

17 JUDGE RILEY: No, from the time it's filed.

18 MR. GIORDANO: I think we suggest, since we are
19 going to be responding, that we be able to respond to
20 that as well on the 24th subject to examining it. I
21 mean, we may --

22 JUDGE RILEY: That's Mr. Muncy's motion you are

1 referring to?

2 MR. GIORDANO: If he'll file it by Monday.

3 MR. MUNCY: I'll try to get it filed by Monday.

4 MR. SMITH: Do you want to run all of these
5 together at the same time?

6 JUDGE RILEY: I thought that's what we were in the
7 process of doing here.

8 MR. SMITH: You are talking about a couple few days
9 here. Let's try to keep things as simple as we can.

10 MR. PLACHE: I'd just assume they're all due on the
11 same day.

12 MR. SMITH: That's what I was suggesting.

13 MR. GIORDANO: That's what I suggested.

14 MR. SMITH: I misunderstood you then. Why don't we
15 do 14 and 7 from the June 16th date.

16 JUDGE RILEY: All right. That takes us to the 30th
17 and the -- well, and the 7th of July.

18 MR. GIORDANO: No, I think we are suggesting
19 everything be due on June 24th. And you are
20 suggesting which date, Gary?

21 JUDGE RILEY: Talking about the 30th. You want to
22 move it up obviously?

1 MR. SMITH: You are cutting your own time frame.

2 MR. FODOR: The court report is having a hard time

3 with all of us talking at the same time.

4 JUDGE RILEY: Thank you.

5 MR. FODOR: Your Honor, you had your nose in the

6 calendar.

7 MR. GIORDANO: Would the 30th be okay with you,

8 Mr. Plache, or do you want it earlier?

9 MR. PLACHE: We would prefer to have it earlier.

10 MR. GIORDANO: We are asking for the 24th.

11 JUDGE RILEY: Why don't we compromise, two weeks

12 from today, the 26th.

13 MR. PLACHE: It would be good.

14 JUDGE RILEY: And then the 3rd of July if there's

15 anybody around at all --

16 MR. MUNCY: That's beautiful.

17 JUDGE RILEY: -- or you just want to go to the

18 beginning of the next week, the 7th?

19 MR. SMITH: Let's go to the 7th.

20 JUDGE RILEY: Now that is for Mr. Muncy's motion to

21 dismiss. That is for the motion to sever and the

22 motion to relocate. That's the same dates for all.

1 Responses are due on Thursday, June 26th.
2 That will be close of business, and then answers to
3 that will be due Monday, July 7th, close of business.
4 MR. SMITH: And just for the benefit of all
5 counsel, I mean, we'll serve those by close of
6 business at least by e-Mail.
7 MR. BRADY: That's fine with staff.
8 MR. SMITH: That's an in-hand date? Is that what
9 we're talking about --
10 JUDGE RILEY: Right.
11 MR. SMITH: -- by close of business?
12 JUDGE RILEY: Yes.
13 MR. GIORDANO: This is all based on Mr. Muncy's
14 filing his motion on Monday, correct?
15 MR. MUNCY: I'll try to do so.
16 JUDGE RILEY: If it takes him an extra day or two,
17 I still want to adhere to the dates we set here.
18 You'll be within a few hours of that.
19 MR. MUNCY: I believe I will. I'll get it done as
20 quickly as I can.
21 JUDGE RILEY: All right. Then do we need another
22 status date?

1 MR. SMITH: Well --

2 MR. MUNCY: I would think that we do. We have

3 to -- at some point we have to talk about when they're

4 going to file testimony, and, as I said, I initiated

5 some discovery, but I don't know, you know, or

6 complete any discovery. I'm certainly going to have

7 to see what testimony they present, and I guess what

8 testimony they present may have something to do with

9 whether any of these motions are granted.

10 MR. SMITH: And I haven't initiated any discovery

11 and I don't know if staff have any or not, but I think

12 substantively in terms of proceeding, we could set a

13 tentative status date, because once you get all the

14 responses to Mr. Muncy's motion to dismiss, it's got

15 to go up to the Commission.

16 JUDGE RILEY: Right.

17 MR. SMITH: And that could be a dispositive

18 outcome.

19 JUDGE RILEY: Right.

20 MR. GIORDANO: Well, we would like to go ahead and

21 set the schedule for when we file our initial

22 testimony in the case. I mean, that certainly can go

1 on at the same time. I mean, that's typical in
2 proceedings so you could have pending motions to
3 dismiss at the same time you are proceeding with the
4 case, and that's what we would suggest. We'll be
5 prepared to file our testimony on July 11th.

6 MR. SMITH: Well, that's going to depend upon the
7 ruling.

8 MS. NAUMER: We don't even know whether it's going
9 to be to stay a single case at that point.

10 MR. MUNCY: I guess they're proceeding at their own
11 risk.

12 MR. SMITH: I thought we were looking at a status
13 here.

14 MR. GIORDANO: I don't think we are proceeding of
15 our own risk. I mean, there can always be extension
16 granted if it's necessary to adjust the testimony if
17 it needs to be reframed, but I think it's important
18 that we get this case moving as quickly as possible.

19 JUDGE RILEY: I don't have a calendar that shows
20 the Commission dates in July. Have you got it?

21 A VOICE: I have got it, your Honor.

22 JUDGE RILEY: I have got it here.

1 A VOICE: There's a Chicago prebench and bench July
2 8th and 9th.

3 JUDGE RILEY: And I'll endeavor to get this thing
4 to --

5 A VOICE: And the next -- there's a --

6 JUDGE RILEY: There's an open meeting the 15th, so
7 it's either the 9th or the 15th. I don't know if I
8 could make the 9th or not. I might be able to with
9 special permission.

10 MR. SMITH: What's your lead time?

11 JUDGE RILEY: I'm sorry?

12 MS. NAUMER: That only gives you two days to frame
13 your point to present to the Commission.

14 MR. SMITH: What was your lead time to the
15 Commission before they consider? Two days prior
16 probably isn't sufficient.

17 JUDGE RILEY: No, the 15th is a lot more realistic.

18 A VOICE: It's a prebench and bench the 22nd and
19 23rd in Springfield.

20 JUDGE RILEY: Right. I'll endeavor to get this
21 memo to the Commission by the 15th, so we are looking
22 at a date after that for another status and then,

1 depending on the Commission's action, we'll set a
2 schedule for testimony.

3 MR. MUNCY: Why don't you pick when you think it
4 would be appropriate, your Honor.

5 JUDGE RILEY: Any time the rest of that week for a
6 status.

7 MR. SMITH: 18th?

8 JUDGE RILEY: That's a Friday.

9 MR. FODOR: July?

10 JUDGE RILEY: I just know from past experience
11 Friday's are difficult to get a lot of people
12 together.

13 MR. GIORDANO: 17th?

14 JUDGE RILEY: 17th would be fine.

15 MR. BRADY: I have an evidentiary hearing that day.

16 JUDGE RILEY: 16th?

17 MR. SMITH: 16th is the day you are taking it in?

18 JUDGE RILEY: The 15th?

19 MR. SMITH: Oh, I'm sorry.

20 JUDGE RILEY: Tuesday, the 15th, will be the
21 Commission meeting and I'd hate to put it out the week
22 after that -- put it off until the week after that.

1 MS. NAUMER: July 15th, I think.

2 MR. PLACHE: This is Matthew Plache. The 15th will
3 work fine for us.

4 JUDGE RILEY: Are there any objection to the
5 parties on the teleconference?

6 A VOICE: Your Honor --

7 MR. SMITH: Would that be 10 a.m.?

8 JUDGE RILEY: 10 a.m., right?

9 MR. MUNCY: Is that in Springfield?

10 (Laughter.)

11 MR. SMITH: If you grant the motions.

12 MR. GIORDANO: We know -- we're still on the
13 record?

14 JUDGE RILEY: I'll compromise. It will be a bigger
15 hearing room than this.

16 MR. PLACHE: You'll know the 15th, Dennis?

17 (Laughter.)

18 MR. SMITH: When can we anticipate your rulings on
19 those motions?

20 JUDGE RILEY: It would be very shortly thereafter
21 after, the 7th.

22 MR. SMITH: But before the status conference?

1 JUDGE RILEY: It would definitely be before the
2 status, right.

3 MS. NAUMER: I guess, if need be, at that point if
4 you need to grant the motion to transfer this to
5 Springfield, we can always make arrangements, because
6 that's going to give you over a week before the next
7 status hearing then.

8 JUDGE RILEY: Right.

9 MS. NAUMER: We can address that issue.

10 MR. SMITH: And we could -- at least some parties
11 would participate by phone.

12 JUDGE RILEY: Okay.

13 MR. SMITH: With your permission, I assume we can
14 do that.

15 JUDGE RILEY: We do that routinely in these matters
16 and in all matters. Hold on a minute.

17 MR. MUNCY: We've written down a lot of extra
18 dates. Could you go over one more time what the dates
19 to make sure I didn't mess something up.

20 JUDGE RILEY: Let's make sure we're on the same
21 page here. What we have determined is that the
22 responses to all the motions will be due by the close

1 of business on Thursday, June 26th. Answers to that
2 will be due by the close of business Monday, July 7th.
3 We have -- excuse me. We have set a status session
4 for July 16th at 10 a.m.

5 I will endeavor to take a memo to the
6 Commission with regard to Mr. Muncy's motion to
7 dismiss no later than the Commission's regular open
8 meeting on -- excuse me -- July 15th. If it's humanly
9 possible, I'll try to get it to the Commission on the
10 9th, but I just can't -- that may be cutting it far
11 too close.

12 I will rule on the other motions I expect
13 within 48 to 72 hours after receiving them on July
14 7th, and I'll do that in the form of a notice of ALJ's
15 ruling. It will come from the Clerk's Office to all
16 parties on the service list.

17 MR. MUNCY: Thank you for your time.

18 JUDGE RILEY: I'm sorry, go ahead.

19 MR. GIORDANO: Well, Mr. Muncy's motion has not
20 been filed yet --

21 JUDGE RILEY: Right.

22 MR. GIORDANO: -- and he has said that he would

1 endeavor to file it by Monday. We presume that we'll
2 have sufficient time to respond by the 26th if it's
3 not filed timely enough. Obviously, we may need
4 additional time.

5 JUDGE RILEY: If it takes until the end of the
6 week, that's one thing, but, I mean, if it happens to
7 go until noon to the 17th, I don't think that will be
8 unduly prejudicial.

9 MR. GIORDANO: I agree.

10 JUDGE RILEY: That's a judgment call we'll have to
11 make. Mr. Muncy has said he'll get --

12 MR. MUNCY: I'll do the best I can.

13 JUDGE RILEY: -- as close to the close of business
14 on the 16th as possible. Okay. Was there anything
15 else that we needed to go over?

16 MR. SMITH: I think that's as far as we can go
17 today.

18 JUDGE RILEY: I'm inclined to agree with you.

19 Anybody different?

20 (No response.)

21 All right. Then we have our schedule and
22 we'll reconvene for status on the 16th of July, 10

1 a.m. Thank you very much.
2 (Whereupon, the above
3 matter was adjourned,
4 to be continued July 16,
5 at 10 o'clock a.m.)
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